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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

07 Civ. 7061 (JSR/DCF)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

**ECF CASE
ELECTRONICALLY FILED**

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE THAT upon the accompanying Defendants' Statement of Undisputed Facts Pursuant to Local Civil Rule 56.1; Memorandum of Law in Support of Defendants' Motion for Summary Judgment; Declaration of Gregory Ballish, Senior Vice President, Biomedical Services of the American Red Cross; Declaration of Joe Becker, Senior Vice President, Preparedness and Response of the American Red Cross; Declaration of Scott Conner, Senior Vice President, Preparedness & Health and Safety Services of the American Red Cross; Declaration of Neal Denton, Senior Vice President, Service to the Armed Forces of the American Red Cross; Declaration of Kathleen Loehr, Interim Senior Vice President for

Development of the American Red Cross; and the deposition testimony and other exhibits attached to the Declaration of Jonathan L. Abram, and all of the pleadings heretofore served in this action, Defendants hereby move this Court on January 4, 2008, at 4:00 p.m., before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendants summary judgment and dismissing the claims against them in their entirety, with prejudice, and for such other and further relief as the Court may deem just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that according to the schedule approved by the Court, Plaintiffs' opposition to this motion is due on December 5, 2007, and Defendants' reply is due on December 12, 2007. Oral argument has been set for January 4, 2008, at 4:00 p.m.

WHEREFORE, Defendants request an Order granting their motion for summary judgment on Counts One, Two, Three, Five, and Six, and the American Red Cross's Counterclaims One and Two, and for any such further relief as this Court may deem just and proper.

Dated: November 21, 2007

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

By: _____ s/Jonathan L. Abram
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